

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C. JOHANNES HETLAND,
Plaintiff,
v.
LENDINGTREE, LLC,
Defendant.

Case No. [19-cv-02288-JSC](#)

**ORDER RE BIFURCATION OF
CHOICE OF LAW ISSUE**

Re: Dkt. No. 52

Before the Court is Plaintiff's letter brief requesting the bifurcation of a choice of law issue regarding Plaintiff's claims for breach of contract, breach of the covenant of good faith and fair dealing, unjust enrichment, and promissory fraud. (Dkt. No. 52 at 1.) Plaintiff requests this Court decide whether California or Delaware law applies to these claims before the submission of Defendant's motion for summary judgment. (*Id.*) After careful consideration of the letter brief and the parties' positions, the Court DENIES Plaintiff's request.

Choice of law determinations are legal questions "well-suited to summary judgement." *Fast Trak Inv. Co., LLC v. Sax*, No. 4:17-CV-00257-KAW, 2018 WL 2183237, at *4 (N.D. Cal. May 11, 2018) (internal quotation marks and citations omitted). Moreover, determining the choice of law issue at the summary judgment stage is more efficient for the parties and the Court—for instance, doing so reduces the number of briefs the parties must file.

Plaintiff avers that "bifurcation is necessary to avoid [the] prejudice [that] . . . respond[ing] simultaneously to the choice of law issue and Defendant's motion for summary [judgment]" would impose. (Dkt. No. 52 at 2.) However, the parties may stipulate to a briefing schedule to extend Plaintiff's time to file an opposition, *see* N.D. Cal. Civ. L.R. 6-2(a), or request that Plaintiff be granted leave to file an overlength opposition, *see* N.D. Cal. Civ. L.R. 7-4(b).

United States District Court
Northern District of California

IT IS SO ORDERED.

Dated: December 10, 2020


JACQUELINE SCOTT CORLEY
United States Magistrate Judge